

US Patent Application Serial No. 10/782,984  
Amendment Dated 9-29-2005  
Reply to Office Action Mailed 6-29-2005

### **Remarks**

Claims 1-19 are pending in the application and are presented for reconsideration without amendment. No new matter has been added.

### **Status of Claims**

Claims 1 and 4-7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pieper et al. (U.S. Pat. No. 5,371,851).

Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8-19 are allowed.

The Examiner's rejections of the claims are respectfully traversed.

### **Rejections of Claims 1-2 Under 35 U.S.C. § 102**

#### **1. Legal standard for Rejecting Claims Under 35 U.S.C. §102**

Under 35 U.S.C. § 102, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628 (Fed. Cir.), *cert. denied*, 484 U.S. 827 (1987).

#### **2. Response to Rejections of Claims Under 35 U.S.C. § 102**

##### **a. Claims 1-7**

Applicant's claim 1 recites:

- An apparatus, comprising:
  - a processor;
  - an application program executable by said processor that requires use of a first number of waveforms;
  - a waveform table comprising a second number of waveform table entries for storing waveforms for use by said application program, wherein said first number exceeds said second number;
  - an application policy comprising waveform sequencing information specific to said application program;
  - a dynamic waveform manager that monitors execution of said application program, accesses said application policy to determine which of said first number of waveforms are next required by said application

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program, and loads one or more of said first number of waveforms into a corresponding respective one or more of said second number of waveform table entries in said waveform table.

### ***The Pieper Reference***

The Examiner cites Pieper as anticipating claim 1. In particular, the Examiner states that Pieper discloses the invention as claimed including an application analyzer which access said application program to determine said waveform sequencing information specific to said application program and to generate said application policy (see e.g. col. 5, lines 56-63), indication of first use and of last use by said application program of each of said first number of waveforms to be used by said application program (see e.g., col. 4, lines 47-50), the dynamic waveform manager load said first number of waveforms to be used by said application program in order of first use by said application program (see e.g. col. 12, lines 28-44), a memory for storing said first number of waveforms that is independent of said waveform table (see e.g., col. 4, lines 25-29).

The Applicant respectfully traverses the Examiner's characterization of what the Pieper reference fairly teaches. Pieper describes a system for graphically displaying and editing a data base. The system provides for editing graphically time-based data having a plurality of data elements which are associated with a time reference. User-operable input apparatus is used for inputting data, including data for modifying the time-based data. A programmable computer includes a memory for storing computer program instructions and data, and a processor coupled to the input apparatus and the memory for executing the stored program instructions. The processor is responsive to input data for producing graphic data representing each data element as a continuous signal for a period of time corresponding to the associated time reference. A graphic display is responsive to graphic data from the processor for displaying, simultaneously, a waveform display of the continuous signals as a function of time, and a vector display of the set of values and the associated time references. The processor is responsive to input data for producing graphic data

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representing the time-based data in at least one of a first mode in which each time reference is a predetermined point in time, and a second mode in which each time reference is a predetermined interval of time. The input apparatus is operable for selecting at least one of the first and second modes of display. The graphic display displays the time-based data in the selected mode or modes. The system may also provide for editing graphically time-based data having a plurality of data elements associated with time references and may provide for revising the user-selected data elements as a group. [Pieper, Summary of the Invention].

More specifically, Pieper's system 100 is merely a graphical user interface (GUI) that provides display and editing capabilities of waveform data. Pieper's system does not meet the limitations of Applicant's claim 1.

First, Pieper does not teach or suggest "a waveform table comprising a second number of waveform table entries for storing waveforms for use by said application program, wherein said first number exceeds said second number". The waveforms in Pieper are stored in database 108 (FIG. 1), but there is no indication anywhere in Pieper that these same waveforms are ever stored in another location such as "a waveform table comprising a second number of waveform table entries for storing waveforms for use by said application program" as required by Applicant's claim 1. Thus, Pieper does not meet this limitation.

In addition, Pieper does not teach or suggest "an application policy comprising waveform sequencing information specific to said application program". The only application program executed by a processor shown in Pieper is the graphical user interface system 100 itself. The GUI system 100 allows display and editing of selected waveforms but only based on user input entered via an input device. The GUI system 100 therefore does not sequence through waveforms in any order specified in the application itself. Instead, any access of the waveforms depends entirely on whether the user input instructs the GUI 100 to do so. Accordingly, Pieper also does not meet the limitation "an

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application policy comprising waveform sequencing information specific to said application program" as required by Applicant's claim 1.

Finally, Pieper does not teach or suggest "a dynamic waveform manager that *monitors execution of said application program*, accesses said application policy to determine which of said first number of waveforms are next required by said application program, and loads one or more of said first number of waveforms into a corresponding respective one or more of said second number of waveform table entries in said waveform table". Pieper shows no element that can be equated with Applicant's recited "dynamic waveform manager". As stated above, the only executing application is the GUI system 100 itself. There is no other element in Pieper that operates to monitor the GUI system 100. Furthermore, as already pointed out, Pieper does not teach or suggest "an application policy" or "a second number of table entries". Thus, Pieper does not meet this limitation.

Since Pieper does not meet each and every limitation of Applicant's claim 1, per *Verdegaal Bros., Inc., supra*, Pieper cannot be used in formulating an anticipation rejection under 35 U.S.C. § 102.

Furthermore, since none of Pieper, nor any of the other prior art of record, taken in any combination, teach the essential limitations "a waveform table comprising a second number of waveform table entries for storing waveforms for use by said application program, wherein said first number exceeds said second number", "an application policy comprising waveform sequencing information specific to said application program", or "a dynamic waveform manager that monitors execution of said application program, accesses said application policy to determine which of said first number of waveforms are next required by said application program, and loads one or more of said first number of waveforms into a corresponding respective one or more of said second number of waveform table entries in said waveform table", Pieper and the other prior art of record cannot even be combined to formulate an obvious-type rejection under 35 U.S.C. § 103. Accordingly, Applicant respectfully submits that the 35 U.S.C. § 102

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rejection of claim 1 should be withdrawn and that claim 1 is now in position for allowance.

Claims 2-7 each depend from independent base claim 1 and add further limitations. For at least the same reasons that Claim 1 is not shown, taught, or disclosed by the cited references, Claims 2-7 are likewise not shown, taught, or disclosed. Thus, Applicant respectfully submits that the rejection of claims 2-7 should be withdrawn.

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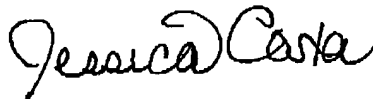
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### Conclusion

In view of the foregoing remarks, it is respectfully submitted that none of the references cited by the Examiner taken alone or in any combination shows, teaches, or discloses the claimed invention, and that Claims 1-19 are in condition for allowance. Reexamination and reconsideration are respectfully requested.

Should the Examiner have any questions regarding this amendment, or should the Examiner believe that it would further prosecution of this application, the Examiner is invited to call the undersigned.

Respectfully submitted,



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